

FAX COVER

Decorative Landscaping, Inc.

3231 N. West Millcreek Rd.

Pleasant Grove, Ut. 84062

(801) 404-0368

Office/Fax: (801) 796-7739

TO: *Division of Oil, Gas & Mining*~~FAX #:~~ *1-801-359-3940*

From: Tracy Burnham

Of Pages: *9*Remarks: *Draft Proposal* *Attention Paul Baker,**Thanks for your help -**Colleen*

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SEP 27 2005

DIV. OF OIL, GAS & MINING

Form MR-SMO
(Revised July 1, 2005)

This Section for DOGM Use:

Assigned DOGM File No.: S / /

DOGM Lead: _____

Permit Fee \$ _____ Ck # _____

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program.

"Small Mining Operations" means mining operations which disturb five or less surface acres at any given time.

I. GENERAL INFORMATION (Rule R647-3-104)

1. Name of Mine: T&M Holdings
2. Name of Person or Entity Applying for Permit: Tracy Burnham
Contact (Authorized Officer): Tracy Burnham
Address: 3231 No. Millcreek Road
City, State, Zip: Pleasant Grove, Utah 84062
Phone: 801-796-7739 Fax: 801-796-7739
E-mail Address: _____

Company () Corporation ☒ Partnership () Individual ()
Other () - specify type _____

A corporation must be registered with the State of Utah, Division of Corporations. Are you currently registered to do business in the State of Utah? ☒ Yes ☐ No

Business License # 2)1

Registered Agent (as identified on business license): Richard Jaynes
Address: 3151 No. 100 E., Suite 300
City, State, Zip: Provo, Utah 84604
Phone: 801-852-2673 Fax: 801-852-1961
E-mail Address: _____

3. Name of Operator (if different from #2) _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

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SEP 27 2005
DIV. OF OIL, GAS & MINING

Form MR-SMO

Page 2

If Partnership or Individual:Name of 1st owner / partner: Tracy BurnhamAddress: 3231 No. Millcreek RoadCity, State, Zip: Pleasant Grove, Utah 84062Phone: 801-404-0368Fax: 801-796-7739

E-mail Address: _____

Name of 2nd owner / Partner: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

If Corporation or Limited Liability Entity:Name of Officers: Tracy BurnhamTitle: President / Owner

Title: _____

Title: _____

Title: _____

4. Permittee / Operator Representative (if different from #2):

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Fax: _____

E-mail Address: _____

5. Ownership of Land Surface:Private (Fee) ☒Public Domain (BLM) ☐National Forest (USFS) ☐State Trust Land/School Sections ☐State Sovereign Lands ☐

Other (please describe): _____

Name Tracy BurnhamAddress 3231 No. Millcreek Rd., Pleasant Grove, Ut 84062

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

6. Ownership of Minerals:Private (Fee) ☒Public Domain (BLM) ☐National Forest (USFS) ☐State Trust Land/School Sections ☐State Sovereign Lands ☐

Other (please describe): _____

Name Tracy BurnhamAddress 3231 No. Millcreek Rd., Pleasant Grove, Ut 84062

Name _____

Address _____

Name _____

Address _____

Name _____

Address _____

Form MR-SMO

Page 3

BLM Lease or Project File Number(s) and/or USFS assigned Project Number(s): N/ABLM Claim Numbers N/AUtah State Lease Number(s): N/AName of Lessee(s) N/A

7. Have the above surface and mineral owners been notified in writing?

Yes _____ No _____

If no, why not? N/A

Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration prior to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.

8. Does the Permittee / Operator have legal right to enter and conduct mining operations on the land covered by this notice? Yes ☒ No _____II. **PROJECT LOCATION & MAP** (Rule R647-3-105)1. **Project Location** (legal description):

County(ies): _____

NE 1/4, of NE 1/4, of _____ 1/4: Section: 20 & 21 ^{SLBM} Township: 04 S Range: 01 W
____ 1/4, of _____ 1/4, of _____ 1/4: Section: _____ Township: _____ Range: _____
____ 1/4, of _____ 1/4, of _____ 1/4: Section: _____ Township: _____ Range: _____

UTM East _____ (if known) UTM North _____ (if known)

Name of Quad Map for Location: Jordan Narrows

2. An accurate topographic base map showing the location of the proposed small mining operation must be submitted with this notice. A USGS 7.5 minute series map is preferred. The areas to be disturbed should be plotted in sufficient detail so that they can be located on the ground. It is recommended that the Permittee / Operator also photo document, plot and label any pre-existing disturbances in the immediate vicinity that he is not responsible for.
3. The proposed (5 acre or less) disturbed area boundary (including access/haul roads) should be marked in the field ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

Form MR-SMO

Page 4

III. **OPERATION PLAN** (Rule R647-3-106)

1. Type of mining: Surface ☒ Underground ☒
2. Mineral(s) to be mined: Landscape Rocks
3. Amount of material to be extracted, moved or proposed to be moved: 30,000 tons
4. Will any water, liquid chemicals, reagents, or other solutions be used, produced or discharged as part of the mining or milling process?
 Yes ☐ No ☒ If yes, please describe (add extra pages if needed)

5. Provide a brief description of the proposed mining operation and onsite processing facilities (add extra pages if necessary). Two Tractors will facilitate the mining and loading process. One Tractor to quarry and regroom the quarried site. The other tractor to lead 10 wheel pump trucks.
6. ☐ New Road(s): Length 300 (ft) Width 12 (ft)
7. ☐ Improved Road(s): Length _____ (ft) Width _____ (ft)
8. Total project surface acreage to be disturbed: 5 (acres) PLEASE SPECIFY EXACT ACREAGE - (this will be used to determine surety bond amount - see #VI).
9. Proposed startup date of project (month, year) Oct. 2005
10. Proposed completion date of project, if known (month, year) approx. 1 year Oct. 2006

IV. **OPERATION AND RECLAMATION PRACTICES** (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining:

1. Keep the mining operation in a safe, clean, and environmentally stable condition.
2. Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.
3. Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.
4. Construct berms, fences, or barriers, when needed, above highwalls and excavations.
5. Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.
6. Remove all waste or debris from stream channels.

Form MR-SMO

Page 5

7. Dispose of any trash, scrap metal, wood, machinery, and buildings.
8. Conduct mining activities so as to minimize erosion and control sediment.
9. Reclaim all roads that are not part of a permanent transportation system.
10. Stockpile topsoil and suitable overburden prior to mining.
11. Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.
12. Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.
13. Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)
14. Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.

V. VARIANCE REQUEST (Rule R647-3-110)**Any variance request must be approved in writing by the Division**Yes ☒ No ☐

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above, should be identified below and justification given for the variance request(s).

Item Number	Variance Request Justification
R647-3-109.13.12	please refer to the attached page for explanation

VI. SURETY (Act 40-8-7(1)[c])**The surety must be provided to and approved by the Division prior to commencement of operations.**

The Utah Mined Land Reclamation Act (40-8-7 (1)[c] and 40-8-14 provides the authority that all mining operations furnish and maintain reasonable surety to guarantee that the land affected is reclaimed according to approved notices consistent with on-site conditions. The surety amount is based on the nature, extent and duration of operations. The surety amounts are based on data from current large mine surety and are used as a general guide, along with actual site conditions.

Surety for small mines sites will be escalated three (3) years to the future. Contact the Division for dollar amount required for this project.

Acceptable forms of surety may include: certificates of deposit, letters of credit, surety bonds & cash. Please identify which type of surety you will post so we can provide you with the appropriate forms.

☒ Certificate of Deposit ☐ Letter of Credit ☐ Surety Bond ☐ Cash
☐ Other _____ (please identify)

(please be advised that the State Treasurer's office may require additional monies to administer cash sureties).

Check if applicable:

☐ Reclamation surety is already posted with another regulatory agency (copy must be included as proof):
\$ _____ (amount) _____ (Agency name)

Variance Request for Rule R647-3-110

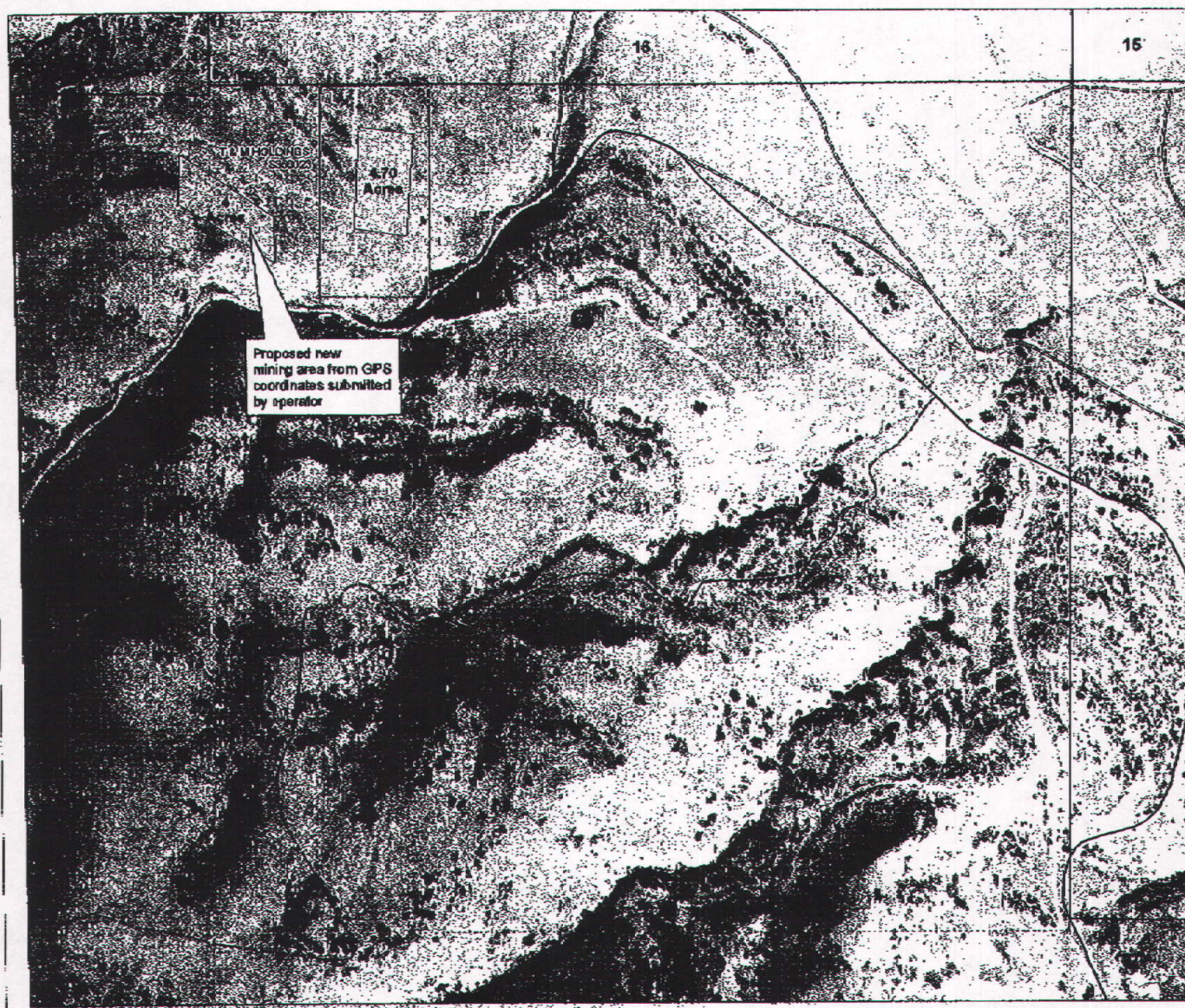
We are requesting from you permission to move to a new 5-acre area. We have mined, regarded and seeded the 5-acre area that we have currently been quarrying and would like to now move into a new area while remaining a small mine. The 5-acres that we have been permitted to mine has not gone through a growing season as required by R647-3-109.13.12, but we have spent \$4000 in seeding materials to expedite this area for vegetation establishment. We've graded the area, we've seeded the area, we've mulched the area and we have and will continue and commit to actively monitor this area and to water the area continually to establish a growth and to take remedial action as necessary.

On much of the existing area that we have been quarrying has had a hardpan layer known as a "caliche" layer, which is down only 4' deep. With so much of the 5-acres only being able to go down the 4' not the 10' that we had thought and expected that we could go, we have quarried all the rock possible in that given area. The new area that we've indicated has a higher density of rock, which will take more time for us to quarry through. We will use the same method to quarry rock from the new area requested as we have from the past 5-acres.

As requested we would like to expand into a new area and would hope that you would allow us to do this.

Thank you,

Tracy Burnham



Mine Number: S350023
Mine Name: T and M Holdings
Township 04 S Range 01 W Section 21 SLBM

Inspection Date Sept. 08, 2005
 Map Produced by DKS

Acres Disturbed 4.70
 Acres Regraded 0
 Acres Seeded 0
 Road Acres Disturbed 0

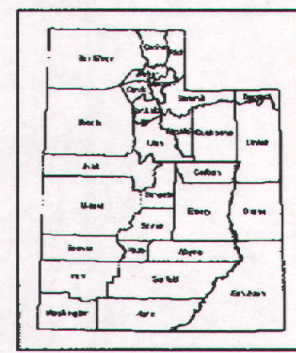
Total Acres Disturbed 4.70

Acres Reclaimed 0
 Acres Excluded 0
 Acres Preferred 0

Legend
 All items symbolized in legend may not be appear on map

- | | |
|-----------------|---------------------------------|
| County Boundary | Township Boundary |
| Access | Township Coverage Not Available |
| Water | Subdivision |
| Worldview | Subdivision Not Available |
| Water Creek | Disturbed |
| Waterhole | Regraded |
| US Grade | Seeded |
| State Road | Reforested |
| Primary Road | Drilled |
| Secondary Road | Polluted |
| Main Dirt Road | Mine Permit |
| Unimproved Road | |
| Interchange | |
| Tie | |

DOQ imagery date 1997



Dept. of Natural Resources
 Division of Oil, Gas, and Mining
 Mineral Area Program

Disturbance, Seeding, and Reclamation
 may require investigation of site history.
 This product may not meet DOQ
 standards for accuracy and scale.

Form MR-SMO

Page 6

VII. PERMIT FEE [Mined Land Reclamation Act 40-8-7(1)(i)]

The Utah Mined Land Reclamation Act of 1975 [40-8-7(1)(i)] provides the authority for the assessment of permitting fees. Commencing with the 1998 fiscal year (July 1 - June 30), permit fees are assessed to new and existing notices of intention, and annually thereafter, until the project disturbances are successfully reclaimed by the Permittee / Operator and released by the Division.

Small Mine Notices require a \$150.00 fee which must accompany this application or it cannot be processed by the Division.

NOTICE: The following person(s) are authorized and designated to receive Notices of Violations, Cessation Orders and all other Notices required by the Division to be given to the permittee or operator:

Name: Tracy Burnham
Address: 3231 no. millcreek Rd.
City, State, Zip: Pleasant Grove, UT 84062
Phone: 801-404-2328 Fax: 801-796-7739
E-mail Address: _____

Name: _____
Address: _____
City, State, Zip: _____
Phone: _____ Fax: _____
E-mail Address: _____

VIII. SIGNATURE REQUIREMENT

I hereby verify that the foregoing information is true and accurate and commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.

(Please check the box and place your initials on the line provided)

- ____ ☐ I have enclosed the required permit fee.
____ ☐ I have also enclosed the appropriate reclamation surety amount or have made arrangements as to when the surety will be furnished.
TB ☒ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Oil, Gas and Mining and any other authorized regulatory agency.

(Note: If a company or corporation, this form must be signed by the owner or officer who is authorized to bind the company/corporation to this Notice.)

Signature of Permittee/ Operator/ Applicant: _____
Name (typed or printed): Tracy Burnham
Title/Position (if applicable): President / Owner
Date: 9/27/05